

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR FLORES, *et al.*,

Defendants.

Case No. [12-cr-00119-SI-1](#)

**ORDER DENYING DEFENDANTS'
POST-TRIAL MOTIONS**

Re: Dkt. Nos. 1381, 1384, 1385

On March 13, 2015, the Court held a hearing on the motions for acquittal and/or new trial filed by defendants Campos-Gonzalez, Acosta, and Flores. Defendants make six broad claims: (1) based upon how the government litigated this case, the Court erred in failing to instruct the jury that they were required to find that Nuestra Familia was part of the RICO enterprise; (2) the Court erred when it instructed the jury that a defendant can be a member of a conspiracy without being a member of the enterprise; (3) there was insufficient evidence to support a conviction on Count One of the Second Superseding Indictment as to defendant Campos-Gonzalez because the evidence did not establish that Campos-Gonzalez participated in or knew about two predicate racketeering activities; (4) the Court violated defendant Flores' constitutional rights when it admitted testimony regarding Lovelle Mixon; (5) there is insufficient evidence to support defendant Acosta's convictions on Counts 20 and 21 because, *inter alia*, a grand jury investigation is not an "official proceeding" under 18 U.S.C. § 1512(c)(2); and (6) there is insufficient evidence to convict defendant Acosta on Counts 19 and 20.

After consideration of the parties' arguments as set forth in the briefs and by counsel at the hearing, the Court DENIES defendants' motions. The Court agrees with the government's arguments as stated in its brief and at the hearing, and finds that there was no error in any of the

1 challenged jury instructions, and that there was sufficient evidence to support the defendants'
2 convictions. The Court further finds that there was no error with regard to admitting the testimony
3 about Lovelle Mixon.

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5 **IT IS SO ORDERED.**

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7 Dated: March 20, 2015



8 SUSAN ILLSTON
9 United States District Judge

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United States District Court
Northern District of California